

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/302,034	ROSE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas A. Dixon	3639	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/26/06.
2. ☒ The allowed claim(s) is/are 37-97,99,100,104-121 and 123-130.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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### **DETAILED ACTION**

1. The following is a status of the case.

Claims 1-36 were originally filed, claims 1-36 were cancelled and claims numbered 37-119 by preliminary amendment A, filed 12/10/1999.

Claim 81 was cancelled, and claims 120-125 were added by Amendment B, filed April 2 2001, also, a second claim numbered 48 was introduced, in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution, duplicate claim 48 has been renumbered as claim 126.

Claims were amended in Amendment C, filed 06/14/2001.

Claims were amended in Amendment D, filed 08/02/2001.

A decision from the board reversed the previous examiner. The case was reopened and references applied.

Amended Claims filed on 05/05/05, claims 81, 98, 101-103 were cancelled and new claims 127-130.

Amended claims filed on 07/28/05 to address 112 rejections, which are now withdrawn.

New Drawings submitted 09/14/05, necessitated the objections below.

New Drawings submitted 10/24/05, are acceptable.

Amendment to the specification of 1/26/06 is acceptable.

***Drawings***

2. The figure 19A is acceptable as it is present as figure 5B in provisional application 60/083,651 and the specification has been amended to reference figure 19A.

***Prior Art Made of Record***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Staheli et al (5,537,533) is a system for mirroring (making backup copies) of critical data, but does not disclose use in the restaurant setting;

Davies et al (5,596,636) is a tee time scheduling system, but does not disclose all the limitations of the claims;

Schneider et al (5,832,452) is a hotel reservation system, but does not disclose all the limitations of the claims;

Feldman (5,864,818) is a hotel reservation system, but does not disclose all the limitations of the claims.

***Allowable Subject Matter***

4. Independent Claims 37, 80, 99, 119, 120 are allowable.
5. The following is an examiner's statement of reasons for allowance:

As per claims 37, 120.

The prior art of record, specifically NetCaddy / Cotton in view of Mann ('096) and McNally et al ('214) does not disclose or fairly teach:

a first computer located at the restaurant, the first computer configured to store a first copy of the reservation booking database;

a second computer located at a location remote from the restaurant, the second computer configured to store a second copy of the reservation booking database; and

the first computer being connected to the second computer through the Internet, the first computer configured to be connected to the Internet using an always connected, non-dialup connection to the Internet so that the first computer and the second computer can synchronize the second copy of the reservation booking database when the first copy of the reservation booking database on the first computer is updated.

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As per claims 80.

The prior art of record, specifically NetCaddy / Cotton in view of Mann ('096) and McNally et al ('214) does not disclose or fairly teach:

- the local computer being further configured to store the reservation booking database;

- the central computing location being further configured to store a second copy of the reservation booking database;

- the local computer being connected to the central computing location through an always on non-dialup connection to the Internet so that the local computer and the central computing location can synchronize the second copy of the reservation booking database when the first copy of the reservation booking database on the local computer is updated.

As per claims 99.

The prior art of record, specifically NetCaddy / Cotton in view of Mann ('096) and McNally et al ('214) does not disclose or fairly teach:

- providing a first computer at the first restaurant, the first computer configured to maintain the first reservation booking database;

- providing a copy of the first reservation booking database at a central computing location;

- providing an always on non-dialup Internet connection between the first computer and the central computing location; and

- updating the copy of the first reservation booking database in substantially real time when the first restaurant books time-slots in the first reservation booking database to reserve tables for customers not making bookings over the Internet.

As per claims 119.

The prior art of record, specifically NetCaddy / Cotton in view of Mann ('096) and McNally et al ('214) does not disclose or fairly teach:

- an update module configured to update over an always on non-dialup Internet connection a copy of the first reservation booking database maintained at a central computing location, the update module configured to update the copy of the first reservation booking database in a substantially real time when the first reservation booking database is updated.

The claims that depend from the above allowable claims are allowable for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

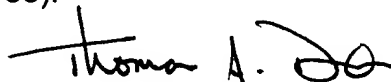
accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas A. Dixon  
Primary Examiner  
Art Unit 3639

March 06